

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Case Number: 16 CR 278 (WHP)

Plaintiffs,

**VERIFIED PETITION FOR  
ADJUDICATION OF INTEREST  
PURSUANT TO 21 U.S.C.  
853(n)(3)**

-against-

STUART SCHLESINGER,

Defendants.

-----X  
Petitioner Albin Luczak ("Petitioner") by and through his undersigned counsel, alleges as follows pursuant to 21 U.S.C. § 853(n)(3):

**PROCEDURAL BACKGROUND**

1. On or about May 2, 2014, Albin Luczak commenced an action against STUART SCHLESINGER and JULIAN & SCHLESINGER, P.C. ("Defendants") sounding in breach of contract, conversion and fraud in the Supreme Court of the State of New York, County of Queens and identified under index number 703416/2014.
2. On or about August 15, 2014 a Stipulation was executed by and between the parties which, among other things, stayed the transfer of assets of Defendants outside the ordinary course of business. Attached as Exhibit A is such Stipulation.
3. On September 11, 2015, judgment was entered in favor of Petitioner judgment creditors and against JULIEN & SCHLESINGER, P.C. and STUART SCHLESINGER judgment debtor in the amount of \$1,756,985.07, not including interest from September 11, 2015. See Exhibit B.

4. To date, no amount has been paid.
5. On November 10, 2015 a restraining notice and information subpoena were served upon JULIEN & SCHLESINGER, P.C. and STUART SCHLESINGER. See Exhibit C. No response has been received.

### **FACTUAL BACKGROUND**

6. On or about June 2012 a retainer was executed between Petitioner and Defendant JULIEN & SCHLESINGER, P.C. in which Petitioner and Defendants agreed that Defendants would be Petitioner's attorney in a certain medical malpractice action. Attached hereto as Exhibit D is such retainer agreement.
7. On or about September 2011, the action contemplated by the aforementioned retainer agreement was filed ("Subject Action").
8. Subject Action was settled on or about October 18, 2013 for an amount of approximately Two Million Dollars (\$2,000,000.00) which broke down to a \$1,500,000 cash payment and an approximately \$500,000 ERISA lien wavier. Attached hereto as Exhibit E is an email from Defendant's office with an accounting of the settlement which is an admission of amounts owed to Petitioner.
9. On or about November 2014, this office subpoenaed entities seeking proofs of settlement amounts received by Petitioner on behalf of Defendant.
10. Attached hereto as Exhibits F and G are responses to subpoenas which evidence the deposit of two checks for \$500,000 and \$1,000,000 respectively into the Defendants' bank account.

11. Up to and including today's date, despite demand AND the filing of this litigation, Petitioner has not received any settlement monies from Defendants or any other source.

**CONCLUSION**

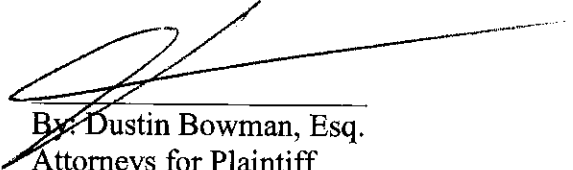
12. There can be no question that there was a contractual relationship between Petitioner and Defendants. There can be no question that Defendants received settlement monies. Petitioner has sworn over and over that he has not received any monies from Defendants. The judgment which was obtained is just, valid and enforceable.

**WHEREFORE**, the Petitioner respectfully requests that the Court **ISSUE AN ORDER GRANTING:**

- A) Albin Luczak an interest superior to Defendant's interest and is therefore exempt from forfeiture. and
- B) Further and additional relief as this Court deems just and proper.

Dated: Kew Gardens, New York  
November 1, 2016

Yours, etc.,  
Dustin Bowman, Esq., P.C.

  
By: Dustin Bowman, Esq.  
Attorneys for Plaintiff  
125-10 Queens Boulevard,  
Suite 218  
Kew Gardens, New York 11415  
(718) 263-6800

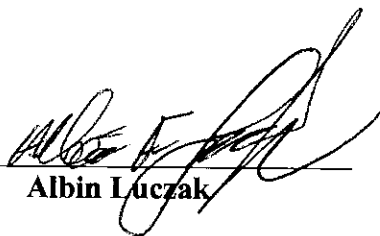
**VERIFICATION**

STATE OF NEW YORK

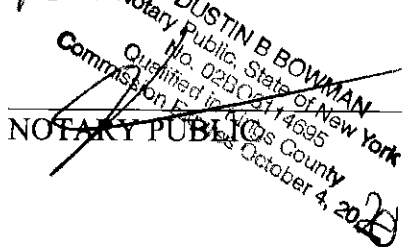
ss:

COUNTY OF Queens

**Albin Luczak**, being duly sworn, deposes, and says that deponent is the Petitioner herein; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same are true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

  
\_\_\_\_\_  
**Albin Luczak**

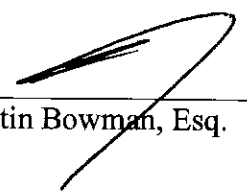
Sworn to before me this  
1<sup>st</sup> day of November 2016

  
**DUSTIN B BOWMAN**  
Notary Public, State of New York  
No. 02106714695  
Qualified in Queens County  
Commission Expires October 4, 2020  
**NOTARY PUBLIC**

**ATTORNEY CERTIFICATION**

I, Dustin Bowman, Esq., hereby certify, under penalty of perjury, and as an officer of the court, that to the best of my knowledge, information and belief, formed after an inquiry reasonably under the circumstances, the presentation of the papers or the contentions herein are not frivolous as defined in 22 NYCRR Section 130-1.1(c).

Dated: November 1, 2016  
Kew Gardens, New York

  
\_\_\_\_\_  
Dustin Bowman, Esq.